

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

PERCY M. JOHNSON, SR.,)	
)	Civil Action No. 7:23cv00105
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
MAJOR FLEEMAN, <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Percy M. Johnson, Sr., who is proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing orders entered February 16 and March 6, 2023, the court advised Johnson that he must notify the court in writing immediately upon his transfer or release and must provide the court with his new address. (*See* ECF Nos. 3 & 5.) The court further advised Johnson that failure to provide an updated address would result in dismissal of this action. (*Id.*)

On September 20, 2023, notices mailed to Johnson were returned to the court as undeliverable, indicating that Johnson is no longer incarcerated at the New River Valley Regional Jail, and with no forwarding address. (*See* ECF No. 24.) To date, Johnson has not provided the court with an updated address. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's order. The court notes that this dismissal is without prejudice to Johnson's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

The Clerk shall send a copy of this Memorandum Opinion and the accompanying Order to counsel for the defendants and to Johnson at his last known address.

ENTERED this 25th day of September, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE